

MINUTES OF A MEETING  
OF THE GOVERNING BODY OF  
THE CITY OF HAYS, KANSAS  
HELD ON AUGUST 24, 2000

**1. CALL TO ORDER BY CHAIRMAN:** The Governing Body of the City of Hays, Kansas met in regular session, Thursday, August 24, 2000, at 7:30 p.m.

Roll Call: Present: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**2. MINUTES:** Howard Rome moved, Wayne Billinger seconded, that the minutes of the regular meeting held on August 10, 2000, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**3. FINANCIAL STATEMENT:** Howard Rome moved, Troy Hickman seconded, that the Financial Statement for the month of July 2000, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**4. CITIZEN COMMENTS:** There were no comments.

**5. CONSENT ITEMS:** Henry Schwaller IV moved, Larry Schmidt seconded, that the following consent items be approved:

**A.** The Mayor be authorized to sign a lease with FHSU Activities Board for Municipal Park from September 14<sup>th</sup> – 17<sup>th</sup>, 2000.

- B.** The Mayor be authorized to sign a lease with Ellis County Oktoberfest Committee for Frontier Park from September 26 through October 2, 2000.
- C.** A Cereal Malt Beverage License for the Volga-German Society for the 2000 Oktoberfest be approved.
- D.** The Mayor be authorized to sign an extension for an agreement with KDHE regarding Round No. 8 – Recycling Grant Funds.
- E.** The City Manager be authorized to sign a contract with KDHE regarding the March 2001 State Recycling Conference in Hays.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

### **OLD BUSINESS**

**6. IMPROVEMENTS TO 25<sup>TH</sup> AND MAIN INTERESESECTION:** The Traffic Advisory Committee has looked at the intersection of 25th and Main Street for several months. The issue is not being able to see traffic south bound on Main Street when approaching the intersection from 25<sup>th</sup> Street.

Several citizens proposed removing the trees on the northwest corner to solve this problem, however TAC tried to find a solution that would not require removal of the trees. Construction barrels were arranged in several different configurations to allow traffic to proceed further into the intersection to allow drivers to see around the trees. TAC is proposing an island be created to resolve this situation, however, removal of the trees may be required if the island alone does not improve the situation. The cost of the island would be between \$8,000 and \$10,000.

Bob Huff, 2404 Fort Street, stated the trees on the northwest corner have been a problem for 20 years and should be removed. You cannot see north on Main Street.

Norma Streck, 2404 Ash, stated the corner is very dangerous. Traffic on Main Street is very fast and you cannot see to the north; the trees obstruct the view.

Mr. Hassler stated removing the trees would help; TAC was hoping the installation of an island would be enough to solve the problem.

City Manager Hannes Zacharias stated he didn't think these trees were in the city right-of-way.

Commissioner Billinger stated he is in favor of installing the island and exploring the idea of eliminating the trees.

Commissioner Schmidt stated he favored putting in a stop sign on Main Street at the intersection; this would slow down traffic.

Commissioner Schwaller stated he favors either a stop sign on Main Street or taking out the trees first before doing the island.

Commissioner Rome stated he is not in favor of putting a stop sign on a collector street. He would rather see the trees removed first before the island is installed.

Mayor Hickman agreed the trees are the first priority to be addressed.

Commissioner Billinger stated it would probably be best to remove the trees first and then see if it is necessary to install the island.

Henry Schwaller IV moved, Larry Schmidt seconded, that improvements be made to 25<sup>th</sup> Street and Main Street intersection by the installation of an island and enter into negotiations with the property owner of 101 West 25<sup>th</sup> Street regarding removal of the trees.

Commissioner Rome asked Commissioner Schwaller if he would be in favor of posting a speed limit in that area. Commissioner Schwaller stated he would be in favor of posting a speed limit sign and amended his motion to include a speed limit sign. Commissioner Schmidt amended his second.

The Mayor called for the vote.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt

Howard Rome  
Wayne Billinger

## **NEW BUSINESS**

**7. NATIONAL GUARD ARMORY REPORT:** Captain Mike Irwin of the Kansas National Guard addressed the Commission regarding proposed improvements to the Hays National Guard Armory building.

Detachment 3, 731<sup>st</sup> Medium Truck Company will move to Hays during the 4<sup>th</sup> quarter of 2000. The authorized strength of the detachment is 45 soldiers. The National Guard is in need of additional bullpen space, soldier parking space and classroom and office space.

City Manager Zacharias stated one alternate to using land around the Armory, which would require removal of trees, would be to use land west of Main Street and south of the Army Reserve building for parking additional vehicles. Discussions have also been held the last two years about trying to relocate both the National Guard and the Army Reserve to another piece of property outside of the downtown area and build a new facility to accommodate both parties. If the City could secure some other land, the City would donate the land to the government for that purpose, and the City could acquire funding for the completion of building. The property and buildings would revert to City ownership when they are vacated.

Commissioner Schwaller stated in the long term, it would be in the City's best interest to assist the National Guard in finding a new facility, one that is large enough to accommodate all their needs. The National Guard has been and will continue to make an investment in our community, and the City has been actively crowding out the National Guard with the expansion of our park system.

Captain Irwin stated the present facility would revert back to the City of Hays when that property is vacated. The City donated the land in 1955.

City Manager Zacharias stated the immediate concern is to find parking for the additional detachment. The City owns the area south of the Army Reserve and this appears as the best option. Approval must be received from the Military Board prior to the National Guard accepting the City's lease.

**8. STORM WATER STENCILING REPORT:** Bret Alstatt, a member of Boy Scout Troop 101, explained his Eagle Scout project. His community project was to inform the community about non-point source water pollution. He did this by stenciling a message on storm water drains in the downtown area with a message that the water entering the storm water drains goes directly into the environment.

Paul Montoia, Well Field Planner, stated this project demonstrates how contaminants that are carried into the storm drain do not go to the WasteWater Treatment Plant, but directly into the environment.

**9. CEDAR VIEW ASSISTED ASSISTED LIVING REVENUE BONDS:** **A.** Mayor Hickman opened the public hearing regarding the issuance of \$2,500,000 in Assisted Living Residence Revenue Bonds for Cedar View Assisted Living Project. There were no comments.

Howard Rome moved, Wayne Billinger seconded, that the public hearing be closed.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**B.** Wayne Billinger moved, Howard Rome seconded, that Resolution No. 3537, being an ordinance authorizing the City of Hays, Kansas to issue Assisted Living Residence Revenue bonds, Series 2000 (Cedar View Assisted Living Project) in the aggregate principal amount of \$2,500,000 for the purposes of constructing and furnishing an assisted living residence facility; authorizing execution of a trust indenture by and between the City and Central Bank and Trust Co., Hutchinson, Kansas, as trustee; authorizing the City to lease such facility to

Plains Assisted Living, L.L.C. and authorizing execution of a lease between said City and Plains Assisted Living, L.L.C.; approving the form of a guaranty agreement by and between the tenant and Central Bank and Trust Co., as trustee; and authorizing the execution of the bond purchase agreement for the bonds by and among the City, Plains Assisted Living, L.L.C. and Chapman Securities, Inc., as purchaser of the bonds.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**10. GENERAL OBLIGATION INTERNAL IMPROVEMENT BONDS:** City Manager Zacharias stated the resolution authorizing General Obligation Internal Improvement Bonds would roll together several temporary notes into one General Obligation Bond issue. The projects being financed are 41<sup>st</sup> Street Plaza Addition, sidewalk improvements, West 27<sup>th</sup> Street improvements, Vine Street engineering, the Public Works Service building improvements, and the Hays Municipal Airport improvements.

Henry Schwaller IV moved, Larry Schmidt seconded, that Resolution No. 344, being a resolution authorizing the offer for sale of approximately \$2,465,000 of General Obligation Internal Improvement Bonds, Series 2000-A, of the City of Hays, Kansas, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**11. HAYS AQUATIC PARK HANDRAILS:** Terry Urban, pool project manager, reported that two more sets of handrails are needed at the Hays Aquatic Park to meet ADA guidelines. One set is needed for the Lazy River walk-in entry, and

one set is needed for the River Slide starting pool entrance. The cost for the two sets of handrails is \$10,401.80.

Howard Rome moved, Wayne Billinger seconded, that the purchase and installation of handrails at the Hays Aquatic Park, in the amount of \$10,401.80, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**12. AIRPORT ISSUES:** A. Airport Manager Terry Urban presented the final Airport Layout Plan, which was approved by the Airport Advisory Board by a 6-0 vote. Highlights of ALP include:

- Extending Runway 16-34 – 400 feet
- Construct Runway 4-22 – 4,500 feet in length
- Purchasing one parcel of 97 acres of property for the 16-34 runway extension
- Purchasing two parcels of 18 acres and 20 acres for the 4-22 runway construction
- Expand the hangar area to the south of existing hangars
- Purchase property for hangar expansion
- Change the location of the T-hangars originally north to the south
- Move chain link fence back to original location
- Add business development buildings to the north of the terminal
- Relocate H-4 hangar south of the relocated chain link fence
- Add terminal expansion to the north and to the south
- Relocate A-2 hangar if terminal is expanded to the south
- Change H-4, H-6, and H-8 to business development buildings
- Consider area north of relocated chain link fence and area east of terminal building to be a business development area

- Leave the hangar access road on the east side of the property and the parking lot to the south

Commissioner Billinger stated he disagreed with two points of ALP. He felt it was unnecessary to move the chain link fence and change H-4 to a business development building. When the current occupant's lease expires, should that occupant choose to relocate somewhere else on the airport grounds, the building could be marketed at that time. Both of these items create an unnecessary expense to the citizens of Hays. Commissioner Billinger stated he would vote against approval of ALP for that reason.

Commission Schwaller stated he would vote for approval. When this was discussed in April, the Airport Advisory Board indicated that sooner would be better than later. The chain link fence does not have to be moved back today or the hangar vacated today. This can happen when the lease ends. It is prudent that the front of airport be attractive and be used for the best and most efficient use which is business.

Mayor Hickman agreed with Commissioner Schwaller. This is a plan that is important to have and eventually the majority of the goals can be fulfilled.

Henry Schwaller IV moved, Larry Schmidt seconded, that the Airport Layout Plan as recommended by the Airport Advisory Board, be approved.

Vote: Ayes: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

No: Wayne Billinger

**B.** Airport Manager Terry Urban stated the Airport Advisory Board revamped and added to the old guidelines. The guidelines specify functions to be performed by the Board, the structure of the Advisory Board, meeting schedules, and meeting attendance requirements.

Wayne Billinger moved, Howard Rome seconded, that the guidelines for the Airport Advisory Board as recommended by the Airport Advisory Board be approved.

Commissioner Schwaller stated the document should be amended to state the Airport Advisory Board would represent regional business as well as hangar owners, plane owners, pilots, air ambulance, passengers, airport tenants and the City of Hays. The statement at the end of the document which states "The Airport Advisory Board shall represent the airport as good will ambassadors" is a good statement, however, what does that mean? It has no meaning. Is that a mission statement? It should be struck or rewritten.

Wayne Billinger amended his motion to include representation of regional business. Howard Rome amended his second. The Mayor called for the vote.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**13. FUEL STORAGE FACILITIES AT THE HAYS REGIONAL AIRPORT:** Air BP has indicated it is not interested in spending over \$200,000 to build a road and water line to a location ½ mile south of the existing fuel farm to install a new above ground fuel farm. Another site has been identified as a possible location for a fuel farm. The site is directly south of the existing dog track on the Ramie Wasinger property.

Priscilla Hunt, owner of Eagle Aviation, stated one airline's business has been lost because the fuel farm has not been installed. More fuel sales means more revenue for the City of Hays.

Commissioner Schwaller stated he is concerned about the problems between the two fixed base operators at the airport. There appears to be some disputes between the two operators over the past 17-month period. Before the City makes more of an investment, there needs to be some assurance there will be no more negative activity. Until there are some rules set, he will not vote for a fuel storage facility.

Airport Manager Terry Urban agreed he doesn't want the airport to portray a negative attitude from a city employee, an agricultural pilot, or a FBO. Anytime

an airport has two fixed base operators, there will be some conflict. He agreed there have been some disagreements, but progress has been made. There will always be some people who are unhappy.

Commissioner Schwaller stated that in a service oriented business there will always be irritated customers, but he was referring to a lack of documentation from the City's perspective about what action has been taken regarding disputes between the fixed base operators. If no action has been taken to correct the situation and there is no documentation, it will continue as it has. We need to set ground rules.

Mr. Urban stated he didn't feel it was his job to monitor and document verbal disputes between the two fixed base operators. His first job is to take care of the airport and runways and associated facilities. His second job is fuel sales, students, passengers, and mechanic work. He does have documentation in regard to those duties. Mr. Urban stated there should be directives issued to the fixed based operators about the manner in which they conduct their businesses and themselves.

City Attorney John Bird stated the City can terminate their leases and that would be his recommendation the next time the City gets a complaint.

Commissioner Schwaller stated he would vote that leases be terminated if the two cannot get along. This is a warning to the two operators.

Commissioner Billinger stated he thought the operators were being caught up in being competitive, but they have to realize they are on City property and representing the City of Hays.

City Manager Zacharias stated staff is doing all they can to help these two vendors get along, but they need to learn to be civil to each other. He could send the two operators a letter reflecting the comments of this meeting.

The Commission directed the Airport Manager to draw up some directives for the fixed base operators to follow.

Troy Hickman moved, Howard Rome seconded, that staff pursue discussions with Ramie Wasinger to secure land for a future fuel farm and that

the Airport Manger start dialogue with interested parties regarding the installation of a fuel farm at that location.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**14. GOLF CART PATH REVIEW:** Jeff Boyle, Park Director, presented information regarding the golf course cart paths that were constructed last year. Many areas on the paths are raveling, cracking and/or in need of sealing.

City Manager Zacharias stated there were many discussions held on the quality of the work that was done. This project was not engineered nor was it professionally inspected. J CORP, who did the work, was paid for 100% of their contract. After a thorough examination, deficiencies were found. J CORP has agreed to repair most of problems at their own expense, however is requesting the City pay between \$18,000 to \$20,000 for asphalt mix and fly ash to replace two portions of the paths. If the City does not want to do that, J CORP could do repairs without asphalt and fly ash and see how long that would last. The issue would probably then have to revisited in 3-5 years.

Larry Schmidt moved, Howard Rome seconded, that the improvements to the golf course cart paths, as identified by the Park Department and J CORP, be repaired as recommended and the City of Hays pay for the asphalt mix and fly ash.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

**15. TALLGRASS ADDITION, PHASE II, ENGINEERING:** Howard Rome moved, Wayne Billinger seconded, that the Mayor be authorized to sign an agreement with Baughman Company, PA, for engineering services associated

with the preliminary design, contract solicitation, and construction engineering for water lines, sewer lines, and street improvements associated with Tallgrass Addition, Phase II, at an estimated cost of \$28,700.

Commissioner Schmidt stated he would be voting against approval because he is against the 31-foot streets that will be constructed in that addition.

Vote: Ayes: Troy Hickman

Howard Rome

Wayne Billinger

No: Henry Schwaller IV

Larry Schmidt

**16. DOWNTOWN SANITARY SEWER LINE ENGINEERING:** Henry Schwaller IV moved, Larry Schmidt seconded, that the City of Hays accept Amendment No. 6 for engineering services with Cook, Flatt and Strobel Engineers for the installation of a sanitary sewer in the alley between 8<sup>th</sup> and 9<sup>th</sup> Streets, from Main to Fort Street, for an amount not to exceed \$4,850.

Vote: Troy Hickman

Henry Schwaller IV

Larry Schmidt

Howard Rome

Wayne Billinger

**17. ALLEY CLEANUP REPORT:** Brenda Cary, Assistant Public Works Director, and Marvin Honas, Superintendent of the Solid Waste Division, presented a report to the Commission regarding the Alley Cleanup conducted for 10 weeks this summer.

Over 768 tons of waste was collected, which was more than double the waste collected the last time the City had a cleanup in 1994. The projected cost of the cleanup was \$61,500. The actual cost was \$71,965, of which \$28,108 was the value of equipment cost. Refuse rates were raised from \$11.50 to \$12.00 in January to offset the additional costs. The increase is expected to generate \$34,200 in 2000, which leaves a shortfall of \$37,765. If the value of equipment cost were not factored in, the shortfall would be \$9,657.

Commissioner Billinger stated the \$.50 per month increase may be enough to fund the program next year. The City should utilize reserve funds to offset this year's shortfall. He suggested keeping the rate the same for one more year. Next year's volume and cost for disposal would most likely not be as large as this year.

Commissioner Schwaller suggested limits be put on the volume that will be picked up at one residence.

The consensus of the Commission was to continue this program in 2001 and not raise rates at this time.

**18. EXECUTIVE SESSION:** Wayne Billinger moved, Henry Schwaller IV seconded, that the Governing Body adjourn to executive session for ten minutes at 10:16 p.m. to discuss union negotiations.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

Mayor Hickman called the meeting back to order at 10:26 p.m. He stated no action was taken during executive session.

**19. COMMISSION INFORMATIONAL MEMORANDUM:** City Manager Zacharias stated discussion would be held at the September 14<sup>th</sup> Commission meeting regarding the Hall Street Reconstruction Project. He asked if the neighboring property owners should be contacted and invited to the meeting. A decision on this project should be made soon so the project can be on schedule for an October 2002, letting date by KDOT.

Commissioner Billinger stated they should be sent a diagram of KDOT's proposal and invited to attend the meeting.

Commissioner Schwaller reviewed a letter from Jim Sullivan, architect for the Hays Aquatic Park. Mr. Sullivan's letter disputes some of the community's concerns about the Lazy River and other conditions at the pool. Mr. Sullivan contends the Lazy River works just as he thinks it should work. Other items

being discussed are myths and are not true. The letter further states that, unlike the contractors, they did not need to provide the City with a “warranty” or guarantee of quality or workmanship. Their contract with the City provides a 36-month time period for maintenance of the stipulations in the contract for fees, hourly rates, etc.

City Attorney John Bird stated he read the letter and the letter is defensive on Mr. Sullivan’s part. The architect has a professional duty to perform as a professional, and if there is a deviation from “the standard of care” then they are responsible for the omission. It may come to the point where someone else may have to look at the pool and decide whether the pool was designed properly.

**20. ADD-ON ITEMS:** Airport Manager Terry Urban presented a change order for additional electrical work on the 3-20-0028-10 Glide Slope Project at the Hays Regional Airport in the amount of \$19,915, payable to Kayton Electric. This change order is for work that includes installing a new regulator for the taxiway lights, taking the REILS sensor off of the taxiway lights and taking the taxiway sensor off of the runway lights.

Henry Schwaller IV moved, Howard Rome seconded, that the change order in the amount of \$19,915, payable to Kayton Electric for additional electrical on the -10 Glide Slope Project, be approved.

Vote: Ayes: Troy Hickman  
Henry Schwaller IV  
Larry Schmidt  
Howard Rome  
Wayne Billinger

Commissioner Billinger asked about the hours and days open at the Hays Aquatic Park.

City Manager Zacharias stated the contract with Hays Recreation Commission states the pool season ends on Labor Day. For the past two weeks the hours have been modified due to staffing limitations. Once the season is over, the HRC will discuss financial concerns and other issues with City staff.

Commissioner Rome asked that the median and interchange at I-70 be kept clean. This is an area visitors are the first to see when they come to Hays.

Commissioner Schmidt stated he would not be able to vote for the ADA curb cut contract this year. He was insistent last year that small contractors are given a chance to bid on some of the work. He doesn't think it would have been that much of an extra cost or burden to break the contract down into smaller contracts.

Commissioner Schwaller requested that the Traffic Advisory Committee address the speeding on Fort Street between 20<sup>th</sup> and 27<sup>th</sup> Street.

Commissioner Schwaller requested the Commission study the possibility of amending Charter Ordinance Nos. 12 and 13 to include a one-mill tax levy for park infrastructure and development.

Thereupon the Governing Body adjourned.

Submitted by: \_\_\_\_\_

Clerk of the Board